



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: June 16, 2004

PREPARED BY: Risk Management

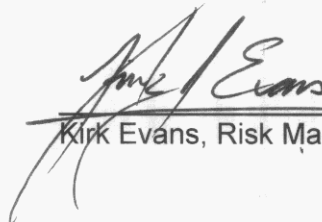
RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim(s) filed against the City of Lodi.

(A) Lehman Brothers by Helen Duncan, Esq. DOL: 2000-2004

(B) James L. Byard, Ph.D. DOL: November 2003

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, it is recommended the City deny the subject claim(s).

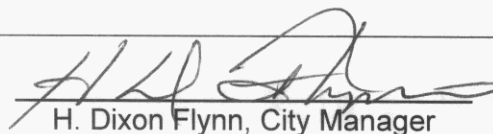
FUNDING: None Required


Kirk Evans, Risk Manager

Attachments

cc: Interim City Attorney

APPROVED:


H. Dixon Flynn, City Manager

CITY COUNCIL

LARRY HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
KEITH LAND
EMILY HOWARD
SUSAN HITCHCOCK

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

H. DIXON FLYNN
City Manager

SUSAN J. BLACKSTON
City Clerk

STEPHEN SCHWABAUER
Interim City Attorney

Notice of Claim Rejection

June 17, 2004

Lehman Brothers, Inc. by Helen Duncan
Fulbright & Jaworski LLP
865 S. Figueroa Street, 29th Floor
Los Angeles, CA 90017

RE: Claim against the City of Lodi

Claimant: Lehman Brothers, Inc. by Helen Duncan
Date of Loss: 2000-2004
Our Claim Number: 903-04

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 16, 2004 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.7 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Susan Blackston
City Clerk

cc: Interim City Attorney
Risk Manager

CITY COUNCIL

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STEPHEN SCHWABAUER
Interim City Attorney

Notice of Claim Rejection

June 17, 2004

James L. Byard, Ph.D.
3615 Maidu Place
Davis, CA 95616

RE: Claim against the City of Lodi

Claimant: James L. Byard, Ph.D.
Date of Loss: November 2003
Our Claim Number: 904-04

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 16, 2004 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Susan Blackston
City Clerk

cc: Interim City Attorney
Risk Manager